

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

REVISED SUMMARY ORDER

RULINGS BY SUMMARY ORDER DO NOT HAVE PRECEDENTIAL EFFECT. CITATION TO A SUMMARY ORDER FILED ON OR AFTER JANUARY 1, 2007, IS PERMITTED AND IS GOVERNED BY FEDERAL RULE OF APPELLATE PROCEDURE 32.1 AND THIS COURT'S LOCAL RULE 32.1.1. WHEN CITING A SUMMARY ORDER IN A DOCUMENT FILED WITH THIS COURT, A PARTY MUST CITE EITHER THE FEDERAL APPENDIX OR AN ELECTRONIC DATABASE (WITH THE NOTATION "SUMMARY ORDER"). A PARTY CITING A SUMMARY ORDER MUST SERVE A COPY OF IT ON ANY PARTY NOT REPRESENTED BY COUNSEL.

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, in the City of New York, on the 4th day of February, two thousand eleven.

PRESENT:

JOSÉ A. CABRANES,
BARRINGTON D. PARKER,
DEBRA ANN LIVINGSTON,
Circuit Judges.

WEI HUA WANG,
Petitioner,

v.

09-2678-ag
NAC

ERIC H. HOLDER, JR., UNITED STATES
ATTORNEY GENERAL,
Respondent.

FOR PETITIONER: Theodore N. Cox, New York, New York.

FOR RESPONDENT: Tony West, Assistant Attorney General; Linda S. Wernery, Assistant Director; William C. Minick, Attorney, Office of Immigration Litigation, United States Department of Justice, Washington, D.C.

1 UPON DUE CONSIDERATION of this petition for review of a
2 decision of the Board of Immigration Appeals ("BIA"), it is
3 hereby ORDERED, ADJUDGED, AND DECREED, that the petition for
4 review is DENIED.

5 Wei Hua Wang, a native and citizen of the People's
6 Republic of China, seeks review of a June 9, 2009, order of
7 the BIA affirming immigration judge ("IJ") Dorothy Harbeck's
8 July 17, 2007, denial of her application for asylum,
9 withholding of removal, and relief under the Convention
10 Against Torture ("CAT"). *In re Wei Hua Wang*, No. A094 041
11 894 (B.I.A. June 9, 2009), *aff'g* No. A094 041 894 (Immig.
12 Ct. N.Y. City July 17, 2007). We assume the parties'
13 familiarity with the underlying facts and procedural history
14 of this case.

15 Under the circumstances of this case, we review both
16 the IJ's and the BIA's decision. *See Zaman v. Mukasey*, 514
17 F.3d 233, 237 (2d Cir. 2008). The applicable standards of
18 review are well-established. *See* 8 U.S.C. § 1252(b)(4); *see*
19 *also Yanqin Weng v. Holder*, 562 F.3d 510, 513 (2d Cir.
20 2009).

21 The BIA did not err in finding that Wang failed to
22 establish an objectively reasonable fear of persecution in
23 China on account of the birth of her two U.S. citizen

1 children. Wang's arguments are foreclosed by our decision
2 in *Jian Hui Shao v. Mukasey*, 546 F.3d 138 (2d Cir. 2008).
3 Contrary to Wang's contention, the BIA did not err in
4 finding that letters she submitted from her sister and
5 sister-in-law were not material to her case because they did
6 not detail the forced sterilizations of similarly situated
7 individuals, i.e., Chinese nationals returning to China with
8 U.S. citizen children. See *id.* at 160-61, 170-71. The BIA
9 also did not err by summarily considering the evidence in
10 the record or the documents at issue in *Jian Hui Shao*. See
11 *id.* at 169; see also *Wei Guang Wang v. BIA*, 437 F.3d 270,
12 275 (2d Cir. 2006) (noting that while the BIA must consider
13 evidence such as "the oft-cited Aird affidavit, which [it]
14 is asked to consider time and again[,] . . . it may do so in
15 summary fashion without a reviewing court presuming that it
16 has abused its discretion").

17 For the foregoing reasons, the petition for review is
18 DENIED. As we have completed our review, any stay of
19 removal that the Court previously granted in this petition
20 is VACATED, and any pending motion for a stay of removal in
21 this petition is DISMISSED as moot. Any pending request for
22 oral argument in this petition is DENIED in accordance with

1 Federal Rule of Appellate Procedure 34(a)(2), and Second
2 Circuit Local Rule 34.1(b).

3 FOR THE COURT:
4 Catherine O'Hagan Wolfe, Clerk
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The image shows a handwritten signature, "Catherine O'Hagan Wolfe", in black ink. The signature is written over a circular official seal. The seal is divided into two horizontal halves: the top half is red and the bottom half is blue. The words "UNITED STATES" are written in white along the top arc of the seal, and "SECOND CIRCUIT COURT OF APPEALS" are written in white along the bottom arc. Two small white stars are positioned on the left and right sides of the seal, separating the top and bottom text.